

SUMMARY REPORT DIGEST-
COMPLAINT REGISTER INVESTIGATION NO.:
CHICAGO POLICE DEPARTMENT

2 5 0 3 6 7

DATE OF REPORT (DAY-MO.-YEAR)
29 Mar. 98

To be used in all cases that are to be classified as either EXONERATED, UNFOUNDED, NOT SUSTAINED, or in SUSTAINED cases where the Disciplinary Recommendation does not exceed FIVE (5) DAYS SUSPENSION.

SUBMIT ORIGINAL AND 3 COPIES IF ASSIGNED TO SAME UNIT AS ACCUSED.
SUBMIT ORIGINAL AND 4 COPIES IF NOT ASSIGNED TO SAME UNIT AS ACCUSED.

TO: SUPERINTENDENT OF POLICE

ATTENTION ☐ ADMINISTRATOR IN CHARGE, OFFICE OF PROFESSIONAL STANDARDS
☒ ASSISTANT DEPUTY SUPERINTENDENT, INTERNAL AFFAIRS DIVISION

FROM-INVESTIGATOR'S NAME Mc Carthy, H.A.		RANK Sgt.	STAR NO. 991	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 021/376
ADDRESS OF INCIDENT Alternate response Section via 312.746.9701		DATE OF INCIDENT - TIME 5 Dec. 98 0900		BEAT OF INCIDENT 1224		LOCATION CODE* 04
NAME 1. Tovar, Carolyn Y.		RANK P/O	STAR NO. 4748	SOCIAL SEC. NO. [REDACTED]	EMPLOYEE NO. [REDACTED]	UNIT ASSIGN. 006/376
ACCUSED	SEX/RACE 1. F B	D.O.B. [REDACTED] 66	DATE OF APPOINTMENT 29 Jun. 92		DUTY STATUS (TIME OF INCIDENT) <input checked="" type="checkbox"/> ON DUTY <input type="checkbox"/> OFF DUTY	
					<input checked="" type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
					<input type="checkbox"/> SWORN <input type="checkbox"/> CIVILIAN	
IF APPLICABLE - DATE ARRESTED/INDICTED		CHARGES		COURT BRANCH	DISPOSITION & DATE	
1.						
2.						
COMPLAINANTS	NAME Mc Carthy, H.A.	ADDRESS** Sergeant star 991 Unit 376		CITY STATE [REDACTED]	TELEPHONE [REDACTED]	SEX/RACE F B
						D.O.B./AGE 25 yoa
VICTIMS	NAME	ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE
						D.O.B./AGE
WITNESSES	NAME	ADDRESS**		CITY STATE	TELEPHONE	SEX/RACE
						D.O.B./AGE

☐ SEE ATTACHED SHEET FOR ADDITIONAL ACCUSED, COMPLAINANTS, VICTIMS, WITNESSES.

ALLEGATIONS

[REDACTED] alleges that she filed a police report via TX regarding her pager which was stolen from inside her residence by a deliveryman. The complainant alleges that when she received the police report via US. Mail, the information on the report was incorrect in that it indicated that the property stolen was a cellular telephone and not a pager, and that it was lost on the street rather than stolen from her home. Upon reviewing the tape recording of the exchange between the complainant and the accused, Sgt. Mc Carthy alleges that the accused was inattentive to her duties by taking a personal call during an official investigation which interfered with said investigation.

I.A.D. LOCATION CODES*

01 Food Sales/Restaurant	11 Public Transportation Veh./Facility
02 Tavern/Liquor Store	12 Park District Property
03 Other Business Establishment	13 Airport
04 Police Building	14 Public Property - Other
05 Lockup Facility	15 Other Private Premise
06 Police Maintenance Facility	16 Expressway/Interstate System
07 CPD Automotive Pound Facility	17 Public Way - Other
08 Other Police Property	18 Waterway, Incl. Park District
09 Police Communications System	19 Private Residence
10 Court Room	

I.A.D. PHYSICAL CONDITION CODES†

01 No Visible Injury - Apparently Normal
02 No Visible Injury - Under Influence
03 Injured, Not Hospitalized
04 Injured, Not Hospitalized - Under Influence
05 Injured, Hospitalized
06 Injured, Hospitalized - Under Influence
07 Injured, Refused Medical Aid
08 Injured, Refused Medical Aid - Under Influence
09 Deceased
10 Deceased - Under Influence

* IF CPD MEMBER, LIST RANK, STAR, SOCIAL SECURITY, EMPLOYEE NOS. IN ADDRESS BOX, PAX/BELL IN TELEPHONE BOX

Briefly summarize the investigation describing your efforts to prove or disprove the allegation(s). Indicate whether witnesses or evidence support or do not support the allegation(s).
In sustained cases ONLY, copies of the accused member's Summary of Previous Disciplinary Actions and Record of Previous Complimentary History will be included as attachments.

This investigation was returned 18 Mar. 99 for corrections indicated by PA Laura Webb, Assistant Department Advocate. (Att. #5A)

The R/Sgt. was assigned to this investigation 17 Dec. 98 by Sgt. William S. Bratek, star 1479, of this command. Upon assignment, the R/Sgt. reviewed the attached Lost Property case report [REDACTED] as well as the cassette tape recording of the contact between the complainant and the accused provided as a matter of ARS protocol. This evidence does not immediately support the complainant's allegation of mis-reporting a theft of property as lost property. Beginning approximately 0932 hr., the complainant explains that her pager is missing from a kitchen counter and she suspects two delivery men who visited 4 Dec. 98 between 1200 and 2100 hr. As the accused begins her preliminary investigation, she pauses to accept an incoming call. From 0935 through 0941 hrs., the accused engages a family member in conversation, and when she returns to the complainant, she does not continue nor complete her preliminary investigation. The accused provides a case report number, but fails to identify the report as a Lost and Found case report. The R/Sgt. is compelled to add a second allegation against the accused for allowing a personal TX to interfere with the delivery of police service. (ATT. #2B, 2C)

On 19 Dec. 98, the R/Sgt. administered the Notification of Charges/Allegations, Administrative Rights and Waiver of Counsel to the accused. The accused requested to secure counsel and her reply was scheduled for 21 Dec. 98 in Unit 376. (ATT. # 3A, 3B, 3C)
CONTINUED ON PAGE TWO

SUMMARY

ATTACHMENTS

INVESTIGATIVE REPORTS— SUPPORTING ALLEGATION LIST ATTACHMENT NUMBERS	INVESTIGATIVE REPORTS— SUPPORTING ACCUSED MEMBER(S) LIST ATTACHMENT NUMBERS	PHYSICAL EVIDENCE LIST ATTACHMENT NUMBERS	TOTAL NUMBER OF ATTACHMENTS SUBMITTED WITH THIS FILE
22	28	22, 23	10

Summarize the findings and recommendations. Rule violations will be cited by number only. One overall recommendation for Disciplinary Action will be made by the investigator. The recommendation will be for ALL sustained findings; recommendations will NOT be made for each sustained allegation.
Example: 1. Violation noted, no disciplinary action warranted. 2. That the accused member be reprimanded. 3. That the accused member be suspended for ____ days (not to exceed 5 days).

Allegation: Violation of Rule 10, Inattention to Duty, in that the accused;
1) Failed to inform the complainant of the correct case report classification. (GO 89-3, Items III-A-2, A-3 and IV-B-9.)
2) Allowing personal business to interfere with an official police investigation. (GO 89-3, Item III-A-6)

Recommendations: Reprimand.

FINDINGS—RECOMMENDATIONS

DATE INITIATED
(DATE COMPLAINT WAS
RECEIVED FOR INVESTIGATION) 18 Mar. 99

DATE COMPLETED
(DATE OF THIS
REPORT) 29 Mar. 99

ELAPSED TIME
(TOTAL TIME,
EXPRESSED IN DAYS) 11

Investigator will initiate the Command Channel Review form by completing the Investigator's Section

IF NECESSARY, USE AN 8 1/2 X 11" SHEET

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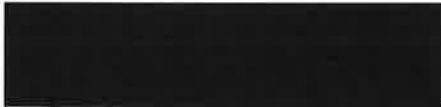
On 21 Dec. 98, the accused replied to the allegations in writing, affirming her case report classification as correct, and stating that she was not distracted by the personal call, nor did that affect the quality of police service. (ATT. #3D)

His investigation concluded, the R/Sgt. spoke with the complainant via TX 21 Dec. 98. The R/Sgt. explained how this event was classified by the accused, and why it was reported as lost property rather than a theft. The complainant understood and agreed, adding that the pager surfaced the following day. With regards to the misidentification noted in box 8, the R/Sgt. assured the complainant that the property is correctly identified in the narrative, which is not visible on the V.I.N. she received via US. Mail. The complainant agreed that she misunderstood the V.I.N., and the R/Sgt. agreed that this should have been explained by the accused at the time she filed her report.

CONCLUSION: SUSTAINED

At the time of report, the complainant could not locate her pager inside her own home, and she suspected two deliverymen who visited her home previous day of stealing her pager. The preliminary investigator could not draw that same conclusion, and the R/Sgt. concurs. Pagers, as well as cellular telephones are often misplaced in and around the home, and they are routinely recovered a short time later. Lacking further support, a Theft case report would be incorrect. The accused correctly classified this event as lost property. However, the accused allows her preliminary investigation to be interrupted by a personal TX, and when she returns to the investigation, she fails to resume primary responsibilities. This inattention not only allowed an error in the case report to go forward undiscovered, the accused fails to inform the complainant of the case report classification. The R/Sgt. notes that the accused cannot control an incoming call, however, once it was known not to be of an emergency nature, the accused should have discontinued the interruption to resume her investigation. Following a review of complimentary and disciplinary histories, the R/Sgt. makes the following recommendation.

RECOMMENDATION: Reprimand


Sgt. W.A. Mc Carthy, star 991
Alternate Response Section
Chicago Police Department/376